



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203
October 11, 2019

Call to Order

Ms. Moorer called the meeting to order at 9:03 a.m.

Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with seven members participating.

A. Members Present

Christy Blakely, Cecile Fraley, Jessica Kuhns, Bregitta Hughes, Amanda Moorer, An Nguyen and David Pump.

B. Members Excused

Patricia Givens, Simon Hambidge, Bregitta Hughes and Charolette Lippolis

C. Staff Present

Tracy Johnson, Medicaid Director; Jennifer Weaver, Attorney General; and Chris Sykes, Board Coordinator

Announcements

Ms. Moorer announced the next Medical Services Board Meeting will be held at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203 on Friday, November 8, 2019 at 9:00 a.m.

It is the policy of this Board and the Department to remind everyone in attendance that this facility is private property. Please do not block the doors or stand around the edges of the room. Please silence cell phones while in the meeting room.

Approval of Minutes

Ms. Blakely moved for the approval of the August minutes. The motion was seconded by Dr. Fraley. The minutes were approved, 7:0.



Rules

A. Consent Adoption Agenda

Document 01, MSB 19-07-19-A, Revision to the Medical Assistance Rule Concerning Correction to Hospital Quality Incentive Payment (HQIP) Supplemental Payment Language, Section 8.3004.F

Document 02, MSB 19-04-19-B, Revision to the Medical Assistance Benefits Rule Concerning Emergency Medical Transportation, Section 8.018

Dr. Fraley moved for the final adoption of Document 01 & 02. Mr. Pump seconded the motion.

The Board voted the final adoption of Documents 01 & 02, 7:0.

B. Final Adoption Agenda

Document 03, MSB 19-07-10-B, Revision to the Medical Assistance Rule Concerning Colorado National Provider Identifier Number, Section 8.126

Scott Lindblom, Health information office, presented the rule and explained revisions are required to align rules with the recently passed house bill, a recap of the legislation was provided. A review of changes made from initial to final was discussed, clarifying language regarding community health center.

Board Discussion – Board discussion included an appreciation for the revision. A discussion about aligning the rule to CMS and is that normal in rule versus the need to align with Colorado statute.

Public Testimony – Lila Cummings Colorado Hospital Association – additional concerns regarding alignment with Medicare policies regarding hospital owned medical groups. CMS is moving implementation from October 2019 to April 2020. Medicare requirements not exactly like state, CHA is not clear on the federal requirements, the House Bill is clear of need. The number of individual providers impacted with this issue is 130 provider owned medical groups. January 2020 has a limited number of the 130 providers, January 2021 has the larger number; which gives adequate time for the providers to enroll.

Ms. Kuhns moved for the final adoption of Document 03. Dr. Nguyen seconded the motion.

The Board voted the final adoption of Document 03, 7:0.

Document 04, MSB 19-04-19-A, Revision to the Medical Assistance Benefits Rule Concerning Non-Emergent Medical Transportation, Section 8.014

Mallory Cyr, Benefits Services Management, presented the rule and provided a brief summary of the NEMT program. Revisions between the initial and final

version of the rule included the urgent care definition changing to include clarifying language. Rule authors worked with the Attorney General Office on incorporation by reference language. A stakeholder letter was received late yesterday, at this time the rule authors are unable to accommodate the requests and need to perform additional engagement to ensure there is no downstream impact.

Board Discussion – NA

Public Testimony – NA

Mr. Pump moved for the final adoption of Document 04. Ms. Kuhns seconded the motion.

The Board voted the final adoption of Document 04, 7:0.

Document 05, MSB 19-07-10-A, Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Chandra Vital, Special Financing Division, presented the rule and explained current rates must match medicaid rates and that the final document before you has 1% across the board rate increase updated in this version.

Board Discussion – NA

Public Testimony – NA

Dr. Nguyen moved for the emergency adoption of Document 05. Ms. Kuhns seconded the motion.

The Board voted the emergency adoption of Document 05, 7:0.

C. Initial Approval Agenda

Document 06, MSB 19-08-02-A, Revision to the Medical Assistance Rule concerning Increase Of The Reimbursement Rate Reserved For Compensation Of Direct Care Workers, Section 8.507

Erin Thatcher, Benefits and Services Management Division, presented the rule and explained the updated document. Attorney General guidance, duplicative language and late stakeholder comments were all revised. The rule aligns with SB 19-238. A review of legislation was given. Unemployment Insurance was requested to be included by stakeholders, the Department cannot comply as this is not a direct benefit to workers. Another request from stakeholders was to include Workers Compensation insurance, Colorado Department of Labor and Employment doesn't allow this. A review of the proposed language included definitions and that records are limited to only services identification for an audit.

Board Discussion – Board discussion included appreciation of alignment with HB 1407. A discussion on Unemployment Insurance was held, the department wants providers to have flexibility to impact their workforce. Workers stated that this is not a benefit to them. A discussion regarding privacy concerns was held. The

form used is high level, if questions come about from the form then a deeper dive is performed. If unemployment insurance was included the Department would need to change the tool, which would incur a cost that the Department has no funds for.

Public Testimony – Ellen Jensby – Alliance – Appreciate work with the Department and supports the rule. A concern about Equal Pay Act and how this rule interacts.

Betsy Murray & Eliza Schultz – HCA of CO – Appreciate work with the Department and support the rule. Appreciate the clarification language. Would like to see unemployment insurance included and some privacy concerns.

Melissa Benjamin - Colorado Case Workers Unite – Support the rule.

Lorin Chevalier - People Care – Appreciate working with HCPF with two exceptions. First opposed to omission of unemployment insurance in the rule and a concern of privacy regarding review of financial records.

Leslie R. Webinar – How does the legislation impact workers not in the HCA? Legislation to address Agencies.

Dr. Nguyen moved for the initial approval of Document 06. Ms. Kuhns seconded the motion.

The Board voted the initial approval of Document 06, 7:0.

Document 07, MSB 19-07-02-A, Revision to the Medical Assistance Rule concerning HCBS Benefit Home Accessibility Adaptations for the CES and SLS Waivers, Sections 8.500.94.B.6 and 8.503.40.A.5

Diane Byrne, Benefits and Services Management Division, presented the rule and explained there are about 1000 home modifications in all waivers, 200 home modifications on these two waivers. Adding oversight of the Division of Housing, they have been involved with the other four waivers since 2014. The revisions align benefits across all the waivers. The rule adds language to create a consistent experience across the state. A review of the stakeholder engagement process was discussed.

Board Discussion – Board discussion included how home modifications have all moved to the Division of Housing in waivers with this rule revision.

Public Testimony – Naomi Hubert Division of Housing at DOLA – It is important to have detailed policies and procedures in place for members. Oversight is working well in the other waivers.

Mr. Pump moved for the initial approval of Document 07. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 07, 7:0.

10 Minute Break

08, MSB 19-08-13-B, Revision to the Medical Assistance Long-Term Services and Supports HCBS Benefit Rule Concerning Residential Habilitation and Individual Residential Services and Supports (IRSS), Section 8.609

Cassandra Keller, Benefits and Services Management Division, presented the rule and explained the rule revisions. There is a concern over safety of the members. The Division of Housing given authority to inspect homes is applicable. The rule was updated and clarified to include person centered language. Safety provisions are included in the rule. Equity across the state in process is a goal. A review of the stakeholder engagement process was discussed. Stakeholder comments were reviewed and have been involved all along. There is a need to have a balance for all and be safe.

Board Discussion – Board discussion included the number of beds comment and how the number of individuals in a home have specific criteria.

Public Testimony – Steven Parker, Arvada Fire – Support the rule, especially fire safety. The stakeholder engagement was great and the Fire Department learned a lot at regrading host homes.

Mr. Pump moved for the initial approval of Document 08. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 08, 7:0.

Document 09, MSB 19-08-13-A, Revision to the Medical Assistance Rule Concerning Hospital Expenditure Report Data Collection, Section 8.4000

Nancy Dolson & Rebecca Parott, Special Financing Division, presented the rule and explained revisions align the rule with the house bill. Legislation is specific on what hospital financial data is required to be collected. A soft launch of data collection is in process and hospitals are engaged providing feedback.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the initial approval of Document 09. Ms. Kuhns seconded the motion.

The Board voted the initial approval of Document 09, 7:0.

Document 10, MSB 19-07-24-A, Revision to the Medical Assistance Rule concerning Home and Community Based Services for the Elderly Blind and

Disabled, 8.485; Life Skills Training, Home Delivered Meals, Peer Mentorship, and Transition Setup, 8.553

Matt Baker & Candace Bailey, Office of Community Living, presented the rule and explained the rule revisions are technical changes. First is the EBD waiver, the removal of outdated language. Next is an update to the conflict free geographic exception, which is required and finally some typos were fixed.

Board Discussion – NA

Public Testimony – NA

Ms. Kuhns moved for the initial approval of Document 10. Dr. Nguyen seconded the motion.

The Board voted the initial approval of Document 10, 7:0.

Document 11, MSB 19-08 Revision to the Medical Assistance Rule concerning MAGI Medical Assistance rule updates, Sections 8.100.1, 8100.3 and 8.100.4

Ana Bordallo, Eligibility Policy Unit, presented the rule and explained rule revisions are in response to recent IRS changes. Definitions were also updated.

Board Discussion – NA

Public Testimony – NA

Dr. Fraley moved for the initial approval of Document 11. Ms. Kuhns seconded the motion.

The Board voted the initial approval of Document 11, 7:0.

D. Consent

Mr. Pump moved to add Documents 07, 08, 10 and 11 to the Consent Agenda. Dr. Nguyen seconded the motion.

The Board voted approval, 7:0.

E. Closing Motion

Dr. Nguyen moved to close the rules portion of the agenda. The motion was seconded by Ms. Kuhns. The Board voted to close the rules portion of the agenda, 6:0.

Rule Previews

- Case Management Section Updates – Heather Fladmark, Case Management Unit

Open Comments

- NA

Department Updates

- Department Updates/Questions – Tracy Johnson, Medicaid Director

The meeting was adjourned at 11:27 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, November 8, 2019 at 303 East 17th Avenue 11th Floor Conference Room, Denver, CO 80203.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303- 866-4416 or chris.sykes@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.